

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Caitlin Schwartz	Team: APU	CCRB Case #: 201308169	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 07/26/2013 8:38 AM	Location of Incident: 1110 East 165th Street	Precinct: 41	18 Mo. SOL 1/26/2015	EO SOL 1/26/2015	
Date/Time CV Reported Wed, 09/04/2013 2:41 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 09/04/2013 2:41 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Peter Valentin	02708	929577	MAN CT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Andy Urena	07427	911472	NARCB BX

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Peter Valentin	Force: Det. Peter Valentin used physical force against § 87(2)(b)	
B.DT3 Peter Valentin	Force: Det. Peter Valentin used a chokehold against § 87(2)(b)	
C.DT3 Peter Valentin	Abuse: Det. Peter Valentin threatened § 87(2)(b) with the use of force.	

Case Summary

On July 26, 2013, at approximately 8:38 a.m., Det. Peter Valentin of Narcotics Borough Bronx arrested § 87(2)(b) in front of 1110 Westchester Avenue in the Bronx. § 87(2)(b) had previously been walking with an acquaintance, identified by the investigation to be § 87(2)(b). Det. Valentin approached § 87(2)(b) and questioned him regarding his interaction with § 87(2)(b). § 87(2)(b) alleged that Det. Valentin punched him in his left eye, causing him to fall toward his right (**Allegation A**). Det. Valentin then allegedly placed his right forearm around § 87(2)(b)'s neck, and held his right wrist, restricting § 87(2)(b)'s breathing (**Allegation B**). § 87(2)(b) alleged that when he asked Det. Valentin why he had punched him, Det. Valentin asked whether § 87(2)(b) wanted him to “finish him off” (**Allegation C**). § 87(2)(b) was then searched incident to his arrest and transported to the 14th Precinct stationhouse. After being taken to Central Booking, § 87(2)(b) was taken to § 87(2)(b) in the Bronx for his swollen eye.

Mediation, Civil and Criminal Histories

- This case was unsuitable for mediation due to § 87(2)(b)'s arrest and the injury he sustained during the incident. § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 2C).
 - Det. Valentin has been a member of the NYPD for 12 years, and has had 17 previous CCRB allegations involving seven cases with no substantiated allegations. § 87(2)(g)
- § 87(2)(b) (encl. 2A-B).

Civilian Statements Complainant/Victim

§ 87(2)(b) (Encl. 3A-I)

- § 87(2)(b) is 5'8" and 175 lbs. § 87(2)(b)
- § 87(2)(b) said that he walked out of a store with § 87(2)(b) but he and § 87(2)(b) did not exchange anything. § 87(2)(b) denied having any drugs on his person.
- Det. Valentin questioned § 87(2)(b) regarding his interaction with § 87(2)(b) and what they had exchanged. Det. Valentin then punched § 87(2)(b) on his left eye, causing him to fall to his right.
- As § 87(2)(b) fell, Det. Valentin placed his forearm around § 87(2)(b)'s neck, restricting his breathing. Det. Valentin held § 87(2)(b) in this way for two minutes before releasing and handcuffing him.
- § 87(2)(b)'s injury was supported by his arrest photograph (encl. 6A), a photograph he provided to the investigation that he took of his injury after being released from jail on July 27, 2013 (encl. 3E), and his medical records (see Medical Records folder).

Witness

§ 87(2)(b) (Encl. J)

- § 87(2)(b) was § 87(2)(b) nearby the incident during its occurrence. Following the incident, he provided his name and phone number to § 87(2)(b).
- § 87(2)(b) observed Det. Valentin punch § 87(2)(b) once, very hard, on the left side of his head, causing his left eye to swell. Upon impact, § 87(2)(b) fell over a black gate surrounding a nearby house.
- § 87(2)(b) denied that § 87(2)(b) was moving or fighting with the officers.
- After punching § 87(2)(b) in the face, Det. Valentin punched him a few times in his mid-section.
- When asked to specify the officers' statement to him, § 87(2)(b) said that the officers told him to get out of there, but did not allege that the officers spoke to him discourteously.

NYPD Statements

Subject Officer: DET. PETER VALENTIN (encl. 4I-K)

- Det. Valentin was interviewed at the CCRB on July 25, 2014.
- From the driver's seat of his vehicle, Det. Valentin observed § 87(2)(b) and § 87(2)(b) in conversation. § 87(2)(b) passed US currency to § 87(2)(b). § 87(2)(b) then reached into his waistband and retrieved a small object, which he subsequently handed to § 87(2)(b). § 87(2)(b) and § 87(2)(b) separated after this transaction took place.
- Det. Valentin circled the block, as it was a one way street, and observed § 87(2)(b) walking toward his vehicle, at which point Det. Valentin exited his vehicle and identified himself as a police officer. When § 87(2)(b) saw Det. Valentin, he attempted to transfer the small object from his hand to his mouth. Det. Valentin ran toward § 87(2)(b) and tried to smack the object out of § 87(2)(b)'s hand. As a result, Det. Valentin inadvertently struck § 87(2)(b) in the face. § 87(2)(b) was unable to insert the object into his mouth. Det. Valentin's explanation of how he came to strike § 87(2)(b) in the face was documented in his memo book entry pertaining to the incident and § 87(2)(b)'s arrest report (encl. 4A-D, 9A-C).
- Det. Valentin denied that he made any contact with § 87(2)(b)'s neck area. § 87(2)(b) did not complain of having trouble breathing.

Witness Officer: DET. ANDY URENA (encl. 5C-D)

- Det. Urena was interviewed at the CCRB on December 17, 2014. He had no independent recollection of this incident, and the details provided regarding the incident did not prompt any recollection of it. Det. Urena did not recognize § 87(2)(b) or § 87(2)(b) upon being shown their arrest photographs.

Findings and Recommendations

Allegations Not Pleaded

- **Stop:** Det. Valentin approached § 87(2)(b) after observing him engage in a suspected hand to hand narcotics transaction. Det. Valentin subsequently arrested § 87(2)(b) for § 87(2)(b), § 87(2)(a) 160.50 (encl. 9A-C). The property voucher pertinent to § 87(2)(b)'s arrest indicates that he was in possession of crack cocaine in rock form (encl. 6L).

- **Force:** § 87(2)(b) said that Det. Valentin punched § 87(2)(b) several times in the midsection, but § 87(2)(b) made no such allegation.
- **Force:** Upon filing this initial complaint, § 87(2)(b) alleged that Det. Valentin grabbed him and pushed his chest into a parked car. § 87(2)(b) did not cooperate with the investigation to provide a sworn statement.
- **Frisk and search:** Upon filing this initial complaint, § 87(2)(b) alleged that two officers frisked and searched his friend § 87(2)(b). The investigation was unable to establish contact with § 87(2)(b) to obtain any statement from him.
- **Discourtesy:** § 87(2)(b) said that an officer told § 87(2)(b) to “shut the fuck up and keep it moving,” but § 87(2)(b) did not make this allegation, and instead said that the officer told him to get out of there.

Explanation of Subject Officer Identification

Det. Valentin acknowledged that he made contact with § 87(2)(b)'s face and subsequently handcuffed him. § 87(2)(g)

Allegation A – Force: Det. Peter Valentin used physical force against § 87(2)(b)

§ 87(2)(b) alleged that upon Det. Valentin's approach, he punched § 87(2)(b) in the face once in the left eye. § 87(2)(b) a witness that was unknown to § 87(2)(b) prior to the incident, corroborated that Det. Valentin punched § 87(2)(b) once in the left side of the face. Det. Valentin acknowledged that he struck § 87(2)(b) in the face, but with an open hand, as an inadvertent result of an attempt to smack the narcotics out of § 87(2)(b)'s hand as he tried to pass them into his mouth. § 87(2)(b) was taken to the hospital due to the swelling to his left eye, and this injury is documented in his arrest photograph, a photograph he took of his injury after being released from jail and subsequently provided to the investigation, and his medical records.

The physical contact that Det. Valentin made with the left side of § 87(2)(b)'s face caused discoloration and swelling consistent with a punch to the face. § 87(2)(g)

Patrol Guide Procedure 203-11 mandates that police officers use only the minimum force necessary to overcome a suspect's resistance and effect a lawful arrest (encl. 1A-B).

§ 87(2)(g)

Allegation B—Force: Det. Peter Valentin used a chokehold against § 87(2)(b)

Allegation C—Abuse of Authority: Det. Peter Valentin threatened § 87(2)(b) with the use of force.

§ 87(2)(b) alleged that Det. Valentin restrained him by placing his forearm across his neck, restricting his breathing as a result. When § 87(2)(b) complained about the force that Det. Valentin was using against him, Det. Valentin asked if § 87(2)(b) wanted him to “finish him off,” which represented a threat of physical force. These allegations were not corroborated by § 87(2)(b). § 87(2)(b) Det. Valentin denied making contact with § 87(2)(b)'s neck or restraining his breathing. Det. Urena did not recall the incident. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Team:

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date